

Government launches public consultation on enhancing Copyright Ordinance regarding protection for artificial intelligence technology development

The Government launched today (July 8) a two-month public consultation on the enhancement of the Copyright Ordinance (Cap. 528) (CO) regarding the protection for artificial intelligence (AI) technology development.

A spokesman for the Commerce and Economic Development Bureau (CEDB) said, "The copyright regime is an important part of the intellectual property (IP) regime. On one hand, it protects the economic rights of creators in receiving remuneration from their fruits of creativity, and on the other hand, it properly balances the legitimate interests of copyright owners and the public interest."

Continuously enhancing the local copyright regime is one of the key policies to develop Hong Kong into a regional IP trading centre as set out in the National 14th Five-Year Plan. Following the implementation of the Copyright (Amendment) Ordinance 2022 in May last year to strengthen copyright protection in the digital environment, the consultation explores further enhancement of the CO regarding the protection for AI technology development as announced in the Chief Executive's 2023 Policy Address.

The spokesman added, "The rapid advancement of AI technology, particularly generative AI, has induced revolutionary impacts on diverse domains and industries, as well as a number of copyright issues, arousing worldwide concerns. Major economies around the world have conducted studies and consultations on the relevant issues in recent years. Under the existing CO, works generated by generative AI (AI-generated works) are already protected by copyright. To further enhance Hong Kong's copyright regime to ensure that it encourages creation and investment in creativity while supporting innovation, we have reviewed the relevant legislation in Hong Kong and other jurisdictions as well as the prevailing market situations. The consultation document looks into the following issues relating to generative AI and copyright comprehensively, and sets out our views for public consultation:

- (a) Copyright protection of AI-generated works;
- (b) Copyright infringement liability for AI-generated works;
- (c) Possible introduction of specific copyright exception; and
- (d) Other issues relating to generative AI."

The consultation document has been uploaded onto the websites of the CEDB (www.cedb.gov.hk) and the Intellectual Property Department (IPD)

(www.ipd.gov.hk). Members of the public may submit their views and relevant information by email (AI_consultation@cedb.gov.hk), fax (2147 3065) or post (Division 3, Commerce and Economic Development Bureau, 23/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong) on or before September 8.

The Government will also hold a public forum on August 2 (Friday) to further collect and listen to the views of the public. Interested parties are welcome to attend. Details of the forum are as follow:

Time: 7.30pm – 8.30pm

Venue: 1/F, Lecture Hall, Hong Kong Science Museum, 2 Science Museum Road, Tsim Sha Tsui East, Kowloon

Language: Cantonese (with simultaneous English interpretation)

Those interested in attending the forum can register through the IPD's website (www.ipd.gov.hk/en/publicforum2024/index.html) on or before July 26. For enquiries, please email businesscentre@ipd.gov.hk.